

FILED

SEP 15 2015

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTYIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISIONMARK WALTERS,
Plaintiff,

v.

DR. RANDALL MEYERS, et al.,
Defendants.§
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CIVIL ACTION NO. W-15-CV-00004

ORDER

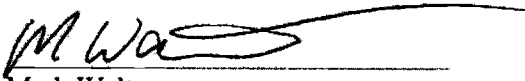
Following a hearing on September 1, 2015, attended by counsel for all parties, the Court enters the following **ORDERS** in the above-captioned matter:

1. The parties reached an agreement on *Plaintiff's First Request for Production to Defendants Meyers and Nasiotis*, except on Requests for Production, numbers 4, 9, and 17.
 - a. The parties agree that *Plaintiff's Motion to Compel Discovery* (D.E. 17), compelling responses to Request for Production numbers 1-3, 5-8, 10-13, 15-16, 18-24, and 26-32, has been resolved. The Court **denies** *Plaintiff's Motion to Compel Discovery* as to these Requests for Production as **moot**.
 - b. Pursuant to Request for Production number 14, the parties agree that Defendants will contact the Texas Department of Criminal Justice Safe Prisons program and request the names of offenders living on H-Pod, 3 Section at the Hughes Unit from November 26, 2013 to December 5, 2013. If responsive material is located, Defendants will produce those documents in accordance with the Federal Rules of Civil Procedure. The Court **denies** *Plaintiff's Motion to Compel Discovery* as to Request for Production number 14 as **moot**.

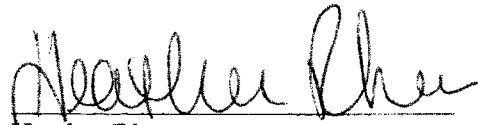
- c. Pursuant to Request for Production number 25, the parties agree that Defendants will search for internal emails written or received by Defendants from December 2, 2013 to December 6, 2013. If responsive materials are located, Defendants will produce those emails in accordance with the Federal Rules of Civil Procedure. The Court **denies** *Plaintiff's Motion to Compel Discovery* as to Request for Production number 25 as **moot**.
2. The Court **denies** *Plaintiff's Motion to Compel Discovery* as to Request for Production number 4 as **moot** on the areas that the parties have reached an agreement regarding x-rays and all other documents sought. As the request relates to the Offender Protection and Life Endangerment Investigations, the Court finds that the investigation performed by Defendants' counsel, Heather Rhea, as well as the materials, documents and affidavits produced, are sufficient to satisfy the request. The court **denies** *Plaintiff's Motion to Compel Discovery* as it relates to the Offender Protection and Life Endangerment Investigations sought in Request for Production number 4.
3. Pursuant to Request for Production number 9, the Court **orders** Defendants to contact Anthony K. Williams, with the University of Texas Medical Branch, and find out any information he possesses regarding "appointment logs" or "admission logs" into the Hughes Unit Infirmary on, or around, November 26, 2013 to December 9, 2013, and **submit it to the Court in camera** as it may relate to the incident made basis of the suit. The Court will make the decision as to whether that information must be produced. If there are no responsive materials, the Court **orders** Defendants to **notify the Court and Plaintiff**. If no responsive materials are located, the Court accepts Defendants counsel's explanation as sufficient as to being unable to locate admission or appointment logs for the Hughes Unit Infirmary from November 26, 2013 to December 9, 2013.

4. Pursuant to Request for Production number 17, the Court **orders** Defendants to search in the Defendants' University of Texas Medical Branch personnel files for inmate grievances filed against Defendants complaining about care provided by either Defendant, up to one year prior to the incident made basis of the suit, to the present. If responsive materials are located, the Court **orders** Defendants to **produce those documents with inmate names and numbers redacted, in camera**, and the Court will decide whether or not to produce those responsive materials.

AGREED BY:


Mark Walters
PLAINTIFF PRO SE

AGREED BY:


Heather Rhea
ATTORNEY FOR DEFENDANTS

Signed on the 15th day of September, 2015.


JUDGE PRESIDING

NOTICE OF ELECTRONIC FILING

I, **Heather Rhea**, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing, a correct copy of the foregoing **Order** in accordance with the Electronic Case Files System of the Western District of Texas, on September 11, 2015.

/s/ Heather Rhea
HEATHER RHEA
Assistant Attorney General

CERTIFICATE OF SERVICE

I, **Heather Rhea**, Assistant Attorney General of Texas, certify that a correct copy of the foregoing **Order** has been served by placing it in the United States Mail, postage prepaid, on September 11, 2015, addressed to:

Mark Walters
PO Box 28072
Austin, TX 78755
Plaintiff Pro Se

/s/ Heather Rhea
HEATHER RHEA
Assistant Attorney General